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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No.: HYB-005US2)

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Applicant: Kandimalla et al.
Serial No.: 09/965,116 TECH CENT
Filing Date: September 26, 2001
Title: Modulation of Immunostimulatory Activity of Immunostimulatory
Analog by Positional Chemical Changes
Examiner: Not Yet Assigned
Group Art Unit: 1632

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

Date of Deposit

Melissa A. Keddy

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
WITH STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

Commissioner:

Applicants and their legal representatives hereby make of record on the attached PTO Form-1449 the following publications which are known to them and considered warranting disclosure under 37 C.F.R. §1.56. Copies of each of these publications are enclosed.

Applicants state under 37 C.F.R. §1.97(e)(1) that the publications were cited in an International Search Report issued in connection with a counterpart Patent Cooperation Treaty Application No. PCT/US01/30137 not more than three months prior to the filing of this statement. Also enclosed is a copy of the International Search Report for the Examiner's review.

Please note, however, that two of the references cited on the International Search Report (Zhao et al., "Immunostimulatory Activity of CpG Containing ..." *Bioorganic & Medicinal Chemistry Letters*, **10**:1051-1054, 2000 and Zhao et al., "Site of Chemical Modifications...", *Bioorganic & Medicinal Chemistry Letters*, **9**:3453-3458, 1999) have been previously filed in an Information Disclosure Statement on December 18, 2001 in the present application. Therefore, copies of the two above-mentioned references are not included.

It is respectfully requested that the information above be expressly considered during the prosecution of this application and that the publications be made of record therein and appear among the "References Cited" on any patent to issue therefrom. In this regard, it is requested that the Examiner initial and return a copy of the enclosed Form PTO-1449 with the next Patent Office Communication.

This submission does not represent that a search has been made and does not constitute an admission that the listed documents are material to patentability or that the listed documents are prior art. If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

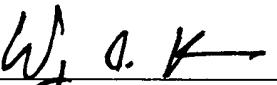
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits and is therefore submitted as both timely and proper; therefore, no fees are believed to be due.

The Commissioner, however, is hereby authorized to charge any fees necessary to maintain the pendency of this application to Deposit Account No. 50-2285.

Respectfully submitted,

Date: 1/4/02


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